

Entered - 6-12-01- sb  
CL 01L0346 - ALEXIS HOLMES

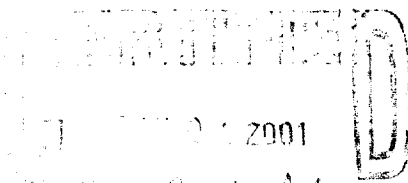
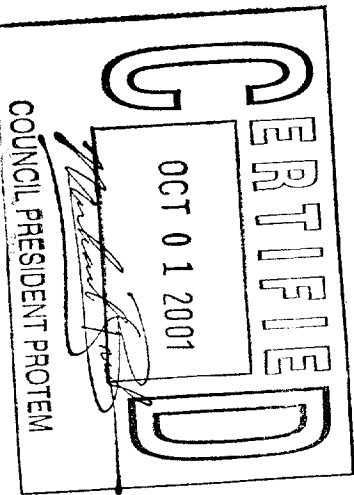
CLAIM OF: **SHONDRA TURNER**  
485 Hill Street, SE  
Atlanta, Georgia 30312

**01-R -1534**

For damages alleged to have been sustained as a result of vehicular damages from tar or asphalt particles caused by resurfacing the roads in the claimant's area between April 30, and May 4, 2001 at 485 Hill Street, SE.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY Robert N. G. DCA



APPROVED OCT 01 2001

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 23 2001**

CHAIR: Cleria Hester

Sherry D. Dwyer



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

October 3, 2001

Shondra Turner  
485 Hill Street, SE  
Atlanta, Georgia 30312

**01-R-1534**

Dear Ms. Turner:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 1, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0346

Date: 8/21/01

Claimant /Victim SHONDRA TURNER

BY: (Atty) \_\_\_\_\_

Address: 485 Hill Street, SE, Atlanta, Georgia, 30312

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 100.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 5/18/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 4/30/01 - 5/4/01 Place: 485 Hill Street, SE

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that she sustained vehicular damages when the City was resurfacing the streets in her area and particles of tar or asphalt floated through the air and settled on her vehicle causing damages in the above amount. In an investigation it was determined that the resurfacing project was implemented by the State of Georgia Department of Transportation, and is their responsibility and not the City of Atlanta. The claimant has been advised to pursue her claim with the State of Georgia Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other \_\_\_\_\_ Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

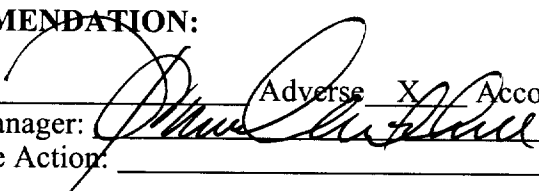
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 09-12-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3142  
10/01/01  
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 2

Y McCarty  
Y Starnes  
Y Bond  
B Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
B Martin  
NV Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-1018

CONSENT

<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>10/01/01 Council Meeting ITEMS ADVERSED ON CONSENT AGENDA</b>
1. 01-O-1570 2. 01-O-1571 3. 01-O-1354 4. 01-O-1488 5. 01-O-1335 6. 01-O-1336 7. 01-O-1337 8. 01-O-1342 9. 01-O-1343 10. 01-O-1344 11. 01-O-1345 12. 01-O-1346 13. 01-O-1119 14. 01-O-1351 15. 01-O-1572 16. 01-R-1588 17. 01-R-1273 18. 01-R-1276 19. 01-R-1428 20. 01-R-1456 21. 01-R-1471 22. 01-R-1499 23. 01-R-1580 24. 01-R-1581 25. 01-R-0921 26. 01-R-1561 27. 01-R-1584 28. 01-R-1521 29. 01-R-1522 30. 01-R-1523 31. 01-R-1524 32. 01-R-1525 33. 01-R-1526 34. 01-R-1527 35. 01-R-1528 36. 01-R-1545 37. 01-R-1546 38. 01-R-1547	39. 01-R-1529 40. 01-R-1530 41. 01-R-1531 42. 01-R-1532 43. 01-R-1533 44. 01-R-1534 45. 01-R-1535 46. 01-R-1536 47. 01-R-1537 48. 01-R-1538 49. 01-R-1539 50. 01-R-1540 51. 01-R-1541 52. 01-R-1542 53. 01-R-1543 54. 01-R-1544 55. 01-R-1548 56. 01-R-1549 57. 01-R-1550 58. 01-R-1551 59. 01-R-1552 60. 01-R-1553 61. 01-R-1554 62. 01-R-1555 63. 01-R-1556 64. 01-R-1557 65. 01-R-1558 66. 01-R-1559 67. 01-R-1560